

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ALLIANCE FOR AUTOMOTIVE
INNOVATION,

Petitioner,

v.

DEPARTMENT OF TRANSPORTATION,

Respondent.

No. 25-1026

**GOVERNMENT’S UNOPPOSED MOTION
TO HOLD APPEAL IN ABEYANCE**

Pursuant to Federal Rule of Appellate Procedure 27, and Local Rule 27, the Department of Transportation respectfully moves to hold this appeal in abeyance or, alternatively, extend the deadline to file a certified index to the record by 30 days. This motion is unopposed.

1. In May 2024, the Department issued a rule adopting a new Federal Motor Vehicle Safety Standard related to automatic emergency braking in light vehicles. *See* Federal Motor Vehicle Safety Standards; Automatic Emergency Braking Systems for Light Vehicles, 89 Fed. Reg. 39,686 (May 9, 2024), *as amended on reconsideration by* Federal Motor

Vehicle Safety Standards; Automatic Emergency Braking Systems for Light Vehicles, 89 Fed. Reg. 93,199 (Nov. 26, 2024). On January 17, 2025, petitioner filed this action challenging certain aspects of the rule. Under this Court's Order of January 17, 2025, a certified index to the record would be due on March 3, 2025.

2. In light of the intervening change in administration, the Department respectfully moves to hold this case in abeyance. The Department is under new leadership and is reviewing the rule at issue in this litigation, which could lead to its modification.

3. An abeyance will conserve judicial resources and promote the efficient and orderly disposition of this appeal, including by ensuring that any briefing or arguments presented to this Court will reflect the views of current agency leadership. The Department respectfully proposes to update the Court with a status report in no later than 60 days.

4. In the alternative, and out of an abundance of caution given Local Rule 27(g)(1), the Department respectfully requests an extension of 30 days, to and including April 2, 2025, to file the certified index to the record. Good cause exists for the extension as the record in this

case is particularly complex, and the Department has other, pressing priorities at this time related to the administration change.

5. Counsel for petitioner has informed the undersigned that it does not object to the Department's request.

Respectfully submitted,

YAAKOV M. ROTH

Acting Assistant Attorney General

MICHAEL S. RABB

/s/ David L. Peters

DAVID L. PETERS

Attorneys, Appellate Staff

Civil Division, Room 7209

U.S. Department of Justice

950 Pennsylvania Avenue NW

Washington, DC 20530

(202) 514-1673

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ David L. Peters

David L. Peters

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Century Schoolbook, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 331 words, according to Microsoft Word.

/s/ David L. Peters
David L. Peters